

Group: Unknown

Examiner: Unknown

IN THE UNITED STATES PATER AND TRADEMARK OFFICE

In re application of:

Brady et al.

Serial No .:

10/036,745

Filed:

21 December 2001

For:

Devices, Systems, and Methods for Reducing Levels of Pro-Inflammatory or Anti-

Inflammatory Stimulators or Mediators in Physiologic Fluids

Commissioner of Patents Washington, D.C. 20231

ATTENTION: Application Division

COMPLETION OF FILING REQUIREMENTS

(check and complete this item, if applicable)

NOTE: If these papers are filed before the office letter issues adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

[x] A copy of the Notice to File Missing Parts of Application-Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

DECLARATION OR OATH

II. [x] No original declaration or oath was filed and enclosed is the original declaration or oath for this application.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Judith Dunaway

(Type or print name of person mailing paper)

Signature of person mailing paper

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April 2002

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Page 1 of 5

t	•		OR					
	[]		ginal declaration or oath which was filed was determined to be defective. A new I oath or declaration is attached.					
NOTE:	37 CFR 1.41(a) points out that "Full names must be stated, including the family nam and at least one giv n name without abbreviation together with any oth r given name or initial."							
IOTE:	For surcharge fee for filing declaration after filing date complete item VI(3) below.							
NOTE:	Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor AND (1) SERIAL NUMBER (2) ATTORNEY DOCKET NUMBER WHICH WAS ON THE APPLICATION AS FILED AND THE FILING DATE (3) TITLE OF THE INVENTION AND FILING DATE (4) TITLE OF INVENTION AND REFERENCE TO A SPECIFICATION WHICH IS ATTACHED TO THE DECLARATION AT THE TIME OF EXECUTION AND FILED WITH THE DECLARATION OR (5) TITLE OF INVENTION AND A STATEMENT BY A REGISTERED ATTORNEY THAT THE APPLICATION FILED IN THE PTO IS THE APPLICATION WHICH THE INVENTOR EXECUTED BY SIGNING THE DECLARATION. IF IDENTIFICATION (4) IS USED IT MUST BE ACCOMPANIED BY A STATEMENT THAT THE "ATTACHED" SPECIFICATION IS A COPY OF THE SPECIFICATION AND ANY AMENDMENTS THERETO WHICH WERE FILED IN THE PTO TO OBTAIN THE FILING DATE; SUCH A STATEMENT MUST BE A VERIFIED STATEMENT IF MADE BY A PERSON NOT REGISTERED TO PRACTICE BEFORE THE PTO. NOTICE OF SEPTEMBER 12, 1983 (1035 O.G. 3).							
IOTE:	Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).							
			(complete (c) or (d), if applicable)					
Attache	ed is a							
	(c)	[x]	Statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration.					
	(d)	[]	Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.					
			AMENDMENT CANCELLING CLAIMS					
II.	[]	Cancel	claims _ inclusive.					
			TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS					

IV.

Submitted herewith is a verified English translation of the non-English language applica-[] tion papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

NOTE: The translation for a regular application filed in a foreign language must be verified. 37 CFR 1.52(d).

SMALL ENTITY STATUS

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[x] The applicant is a small entity and is entitled to Small Entity Status.

VI.		COMPLETION FEES							
WARNING:	Failure t 1.53(d).	to submit the surcharge fees where required will cause the application	to become abandoned. 37 CFR						
NOTE:	The filing fees, fees for claims and surcharge fees listed below in items 1, 2 and 3 are reduced by 50% will of a small entity status is established on or before the date the fee is paid. If the full fee was paid but statement is filed within 2 months of the date of timely payment of a fee then the excess fee paid will be on request. 37 CFR 1.28(a).								
1.	Filing f	Filing fee							
	[×]	original patent application (37 CFR 1.16(a)) \$740.00; Small entity-\$370.00	\$370.00						
	[]	design application (37 CFR 1.16(f)) \$330.00; small entity-\$165.00	\$						
2.	fees fo	fees for claims							
	[x]	each independent claim in excess of 3 (37 CFR 1.16(b)-\$84.00; small entity-\$42.00)	\$168.00						
	[x]	each claim in excess of 20 (37 CFR 1.16(c)-\$18.00; small entity-\$9.00)	\$468.00						
	[x]	multiple dependent claim(s) (37 CFR 1.16(d)-\$280.00; small entity-\$140.00)	\$140.00						
3.	surcharge fees								
	[x]	late payment of filing fee							
		and/or							
	[x]	late filing of original declaration or oath (37 CFR 1.16(e)-\$130.00; small entity-\$65.00);	\$ 65.00						
NOTE: Even whis required.	ere a facsi	imile declaration or oath signed by the inventor(s) was part of the origina	lly filed papers the surcharge fee						
NOTE: If both the paid. 37 CFR 1.16	-	and declaration or oath were missing from the original papers only one	e surcharge fee for both need be						
4.	[]	petition and fee for filing by other than all the inventor or a person not the inventor	rs •						
_		(37 CFR 1.17(h) and 1.47-\$130.00)	Ψ						
5.	[]	fee for processing an application filed with a specification a non-English language (37 CFR 1.17(k) and 1.52(d)-\$130.00)	s						

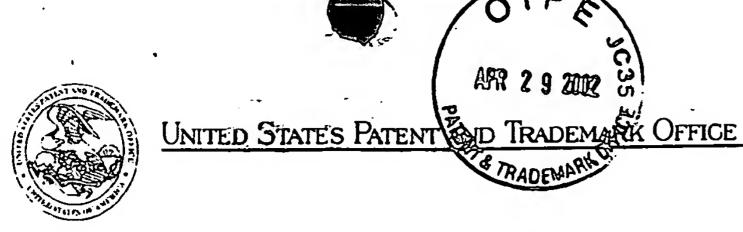
1	0 .,	l J		•	nd1.53(d)-\$300.00)		\$		
NOTE:	37 CFR 1.21(I) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as, the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of S 1.21(1) within 1 year of notification under S1.53(d) must be paid.								
			Total co	m	pletion fees		\$	1211.00	
VII.				E	XTENSION OF TIME				
			(c	om,	plete (a) or (b) as applicable)				
The pro	oceedir	ngs here	in are for a pate	nt a	application and the provision	s of 37	CFR	1.136(a) apply.	
	(a) [x] Applicant petitions for an extension of time, the fees for which are set out in CFR 1.17(a)-(d), for the total number of months checked below:								
	Extens	sion		Fe	ee for other than	Fee f	or		
	(month				Small Entity	Small E	_		
	[x] c	ne mon	th	\$	110.00	\$ 55.0	0		
	•	vo montl		•	400.00	\$200.0			
	įjt	ree mor	nths	\$ 920.00 \$460 \$ 1440.00 \$720			0		
	[] fo	our mont	ths).00		
	[] fi	ve montl	hs	\$	1960.00	\$985.0	0		
	If an a	additiona	al extension of ti	ne	e is required please consider	this a p	etitio	n therefor.	
	(check and complete the next item, if applicable)								
		[]			months has already a list deducted from the to requested.				
			Extension fee o	lue	e with this request		\$	55.00	
					or				
	(b)	[]	tional petition i	s t	s that no extension of term is being made to provide for the dooked the need for a petitio	e possi	bility	that applicant has	
VIII. The tot	al fee d	lue is			TOTAL FEE DUE				
	Compl	etion fee	e(s) \$ <u>1211.00</u>)					
	Extension fee (if any) \$55.00								
			TOTAL FEE DI	JE	\$_1266.00				

				-						
IX_{i}	•	. PAYMENT OF FEES								
	[x) enclos	sed is a check in the amount of \$_1266.00							
			ge Account No in the amount of \$ A is attached.	duplicate of th	is re-					
NOTE:	Fee	es should be ite	temized in such a manner that it is clear for which purpose the fees are paid. 37	7 CFR 1.22(b).						
X.			AUTHORIZATION TO CHARGE ADDITIONAL FEES							
WARNING:			ATELY COUNT CLAIMS, ESPECIALLY MULTIPLE DEPENDANT CLAIMS, TO AVOID UNEXPECTED HARGES IF EXTRA CLAIMS ARE AUTHORIZED.							
		[x]	The Commissioner is hereby authorized to charge the followhich may be required by this paper and during the penden to Account No06-2360							
		[x]	37 CFR 1.16 (a), (f) or (g) (filing fees)							
		[x]	37 CFR 1.16 (b), (c) and (d) (presentation of extra claims)							
NOTE:	or ti of fe	hese claims ca se deficiency (3	al fees for excess or multiple dependent claims not paid on filing or on later pres ancelled by amendment prior to the expiration of the time period set for respons (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional of the amendments after final action.	e by the PTO in any	/ notice					
		[x]	37 CFR 1.16(e) (surcharge for filing the basic filing fee and date later than the filing date of the application)	d/or declaration	on a					
		[x]	37 CFR 1.17 (application processing fees)							
WARNII	NG:	AUTHORIZA APPROPRIA	CFR 1.17(A), (B), (C) AND (D) DEAL WITH EXTENSIONS OF TIME UNATION SHOULD BE MADE ONLY WITH THE KNOWLEDGE THAT: ATE EXTENSION FEE UNDER 37 CFR 1.136(A) IS TO NO AVAIL UNLESS ANSION IS FILED." (EMPHASIS ADDED). NOTICE OF NOVEMBER 5, 1985 (19	"SUBMISSION OF REQUEST OR PET	F THE					
		[]	37 CFR 1.18 (issue fee at or before mailing of Notice of Allow CFR 1.311(b))	/ance, pursuant	to 37					
NOTE:	Allo		rization to charge the issue fee to a deposit account has been filed before to sue fee will be automatically charged to the deposit account at the time of mailing.	•						
NOTE:	p stat	nor to paying,	equires "Notification of any change in loss of entitlement to small entity status must, or at the time of paying issue fee". From the wording of 37 CFR 1.28(b): (a ade even if the fee is paid as "other than a small entity" and (b) penotification tentity.	a) notification of cha	ange o					

Reg. No. 29,243 (Signature of Attorney)

Telephone No.: (262) 783 - 1300

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(Type or Print Name of Attorney)
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Milwaukee, Wisconsin 53226



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER FILING/RECEIPT DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NUMBER

10/036,745

12/21/2001

James A. Brady

9386.17711-C

CONFIRMATION NO. 4890

FORMALITIES LETTER

·OCO000007420776*

RYAN KROMHOLZ & MANION, S.C. Post Office Box 26618
Milwaukee, WI 53226-0618

Date Mailed: 02/05/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

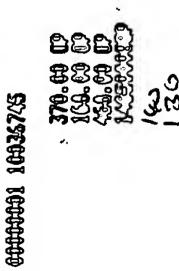
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

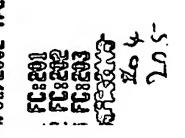
- The statutory basic filing fee is missing.
 Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- o Total additional claim fee(s) for this application is \$1552.
 - \$936 for 52 total claims over 20.
 - \$336 for 4 independent claims over 3.
 - \$280 for multiple dependent claim surcharge.
- The oath or declaration is missing.
 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2422.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);





A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE